

REMARKS

Claim 1 has been amended. Claims 1-15 remain pending. No new matter has been added.

Claims 1-15 stand rejected under 35 USC 103(a) on Kawashima, U.S. Patent No. 5,168,445, in view of Tone, U.S. Patent No. 5,596,493. Applicants respectfully traverse the rejection.

The claimed subject matter is directed to inventory management system comprising a number of elements in combination. Representative claim 1 recites a combination of elements for calculating a supplemental amount of inventory at a specific day. The supplemental amount is based on a first inventory amount and a lower limit inventory amount of the specific day. The first inventory amount is predicted based on a first sales plan amount, and the lower limit inventory amount is calculated based on a second sales plan amount and a sales fluctuation range amount. The fluctuation range amount is calculated by multiplying the second sales plan amount by a predetermined fluctuation range ratio. Kawashima and Tone, taken individually or in combination, fail to disclose or suggest a similar combination.

The Examiner compares the claim 1 step of “calculating a first sales plan amount,” with Kawashima’s Figure 1, predictor 3, POS data 11, and col. 7, lines 47-48. This comparison is improper.

The claimed step of “calculating a first sales plan amount” uses both “sales plan data” for a past period, and “sales performance data” for the past period. Kawashima, by contrast, merely relies on past performance data and does not disclose or suggest the use of “sales plan data” for a past period. In particular, Kawashima’s POS data 11 includes “data indicative of *actual results* of selling and stock data indicative of *actual stock* of goods.” (emphasis added.) In other words, Kawashima’s POS data does not constitute “sales plan data” for a past period. Likewise, none of the other inputs to Kawashima’s predictor 3 constitutes sales plan data for a past period. For instance, Kawashima discloses that predictor 3 makes predictions based on “variable condition data

10, POS data 11, and a correction rule table 15.” (Kawashima, col. 3, lines 12-16.) Neither the variable condition data 10 nor correction rule table 15 constitutes “sales plan data” for a past period as claimed.

Because Kawashima fails to teach or suggest “calculating a first sales plan amount” based on both “sales plan data” and “sales performance data,” as claimed, the rejection of claim 1 should be withdrawn.

The Examiner compares the claim 1 step of “predicting a first inventory amount,” with Kawashima’s Figure 1, ordering amount calculator 4, stock data 13, and column 7, lines 48-52 and 38-40. This comparison is improper.

In making the comparison, the Examiner has compared Kawashima’s stock data 13 with both the claimed “second inventory amount” *and* the claimed “warehousing amount.” While the Examiner is explicit in the comparison between stock data 13 and the claimed “secondary inventory amount,” the Examiner is more oblique in the comparison between the claimed “warehousing amount” and stock data 13. In particular, the Examiner states that Kawashima discloses the warehousing amount as the product of a bar-code reader in stock control system 1403. (Kawashima, Fig. 14 and col. 7, lines 38-40.)

As shown in Kawashima’s Fig. 14, the bar-code reader of col. 7, lines 38-40 is merely used to provide input for measuring stock data 13. Because the Examiner has compared Kawashima’s stock data 13 with both the claimed “second inventory amount” and the claimed “warehousing amount”, the Examiner has failed to present proper evidence that Kawashima discloses or suggests “predicting a first inventory amount” based on three different parameters including a “first sales plan amount,” a “second inventory amount,” and “a warehousing amount.” Accordingly, the rejection of claim 1 should be withdrawn.

Kawashima’s description of ordering calculator 4 does not include any discussion or suggestion of “a warehousing amount” as claimed. In Applicants’ specification, “warehousing amount” denotes a “planned amount to be shipped from [a] factory on [a specified] date.” (See,

specification, page 14.) None of the inputs for ordering calculator 4 constitutes such a warehousing amount. Because Kawashima fails to disclose a warehousing amount as claimed, the rejection of claim 1 should be withdrawn.

In comparing Kawashima's ordering calculator 4 with the claimed "predicting a first inventory amount," the Examiner has also compared Kawashima's predictive data 12 with the claimed "first sales plan amount." This comparison is improper for at least the reasons presented in the above discussion of Kawashima's predictor 3; that is, the predictive data 12, which is produced by predictor 3 does not constitute a first sales plan amount because the calculation of predictive data 12 does not take into account past "sales plan data." Because of this defect, the rejection of claim 1 should be withdrawn.

The Examiner compares claim 1's step of "predicting a second sales plan amount" with Kawashima's disclosure of col. 7, lines 64-68. The cited text, however, refers to a prediction produced by Kawashima's predictor 3. Thus, the Examiner is comparing the output of Kawashima's predictor 3 with both the claimed "second sales plan amount" *and* the claimed "first sales plan amount." This is improper because the claim distinguishes between the first and second sales plan amounts; i.e., they cannot one and the same. Because the Examiner has improperly compared the output of Kawashima's predictor 3 with both the claimed "first sales plan amount" and the claimed "second sales plan amount", the rejection of claim 1 should be withdrawn.

The Examiner has conceded that Kawashima fails to disclose or suggest the claimed steps of "calculating a sales fluctuation range amount," "calculating a lower limit inventory amount," and "calculating a supplement amount"; however, the Examiner relies on Tone to cure these defects. Tone fails to do so because Tone fails to disclose the features that the Examiner alleges that Tone discloses, and because the Examiner has not provided any reasons for combining Tone with Kawashima.

The Examiner compares the claimed step of “calculating a sales fluctuation range amount” with Tone’s disclosure of calculating a safety stock amount as a percentage or multiple of a past standard deviation. (See, Tone, equation 17.) This comparison is improper.

Claim 1 requires that the fluctuation range amount be calculated by multiplying a second sales plan amount by a predetermined fluctuation range ratio. Tone’s equation 17 does not include such an amount. As recited in claim 1, the second sales plan amount is an amount predicted for a period “from [a] specific day through a number of following days required to deliver a merchandise.” By contrast, the standard deviation in equation 17 relates only to past amounts, and the constants in equation 17 are chosen arbitrarily for purposes of simulation and experimentation. Thus, Tone’s disclosure fails to teach or suggest calculating a fluctuation range amount using a second sales plan amount as claimed. Accordingly, the rejection of claim 1 should be withdrawn.

The Examiner compares the claimed step of “calculating a lower limit inventory amount” with Tone’s step of calculating “the amount of the restocking order for today” according to the equation $P = \max\{Y - U + \alpha, 0\}$, where P is the amount of the restocking order (i.e., more goods to buy), Y is an estimated sales amount for tomorrow, U is a number of carry over goods from today, and α is a safety stock amount. (See, Tone, col. 17, line 35; see also, Tone, equation 16.) This comparison is improper.

Claim 1 requires that the lower limit inventory amount be calculated “as a sum of a second sales plan amount and a standard value of ordinary inventory.” None of the terms in Tone’s equation 16 relates to a “standard amount.” Rather, each of the parameters in equation 16 denotes a specific amount for a specific day (with the exception of safety stock α , which the Examiner has compared with the claimed sales fluctuation range amount). Thus, Tone’s equation 16 does not calculate a lower limit inventory amount in the way that claim 1 requires.

Additionally, the amount “P” in Tone’s equation 16 does not constitute a lower limit inventory. The amount “P” merely denotes an actual amount of goods to buy based on predicted

sales. Because Tone fails to disclose or suggest the claimed step of “calculating a lower limit inventory amount,” the rejection of claim 1 should be withdrawn.

The Examiner compares the claimed step of “calculating a supplement amount” with Tone’s step of calculating the number of goods to be carried over from one day to the next as in the equation $U=Z-D$, where U represents the carry-over goods, Z represents goods not sold today, and D represents perishable goods that must be thrown away. (See, Tone, col. 17, lines 27-30 and equation 15.) This comparison is improper.

Claim 1 requires that the supplement amount be calculated as a difference between the lower limit inventory amount and a first inventory amount. Since the Examiner has compared the Tone’s amount “P” with the claimed lower limit inventory amount, and since Tone’s equation 15 does not include the amount “P,” the Examiner has failed to even present a consistent position. Moreover, neither of the parameters “U,” “Z,” or “D” in equation 15 constitutes a lower limit inventory amount as claimed. Thus, Tone fails to disclose or suggest the step of “calculating a supplement amount,” as claimed, and therefore the rejection of claim 1 should be withdrawn.

The Examiner has stated that it would have been obvious to modify Kawashima in view of Tone in order “to include the ability to calculate” various values as in Tone. The Examiner’s statement, however, is a mere declaration without any supporting reasoning. The Examiner has provided no reasons as to *why* one of ordinary skill in the art would have modified Kawashima to include Tone’s calculations, or even how such a modification would take place. For instance, the Examiner has provided no explanation as to how or why one skilled in the art would have modified the ordering formula in Kawashima’s Figure 13 to incorporate Tone’s statistical values or what effect such a modification would have on Kawashima’s calculations. Because the Examiner has failed to provide any cogent, fact-based reasons for modifying Kawashima in view of Tone, the rejection of claim 1 should be withdrawn.

Independent claims 6 and 11 recite similar features to those recited in claim 1, and were rejected on the exact same bases. Accordingly, these claims are allowable for reasons similar to


those discussed above in relation to claim 1. The remaining claims depend from claims 1, 6, and 11 and are therefore allowable based on their respective dependences.

In view of the foregoing, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 116692004100.

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Respectfully submitted,

By 

Alex Chartove

Registration No.: 31,942
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7744